

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Barbara Enenkel, et al) Confirm. No.: 1242
Serial No.: 10/724,266) Art Unit: 1636
Filed: November 26, 2003) Examiner: James S. Ketter
For: Expression vector, methods for the production of heterologous gene
products and for the selection of recombinant cells producing high levels of such products
Docket No.: 1/1412

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is in response to a communication from the Examiner in charge of the subject application, which communication was mailed on June 27, 2006. In that communication, a one-month shortened statutory period, which expires July 27, 2006, was set for response. Thus, this response is timely. However, if it is determined that an extension of time under 37 C.F.R. § 1.136 is necessary, applicants hereby petition for the necessary extension. Furthermore, if it is determined that any additional fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this response the Commissioner is, hereby, authorized to charge such fees to Deposit Account No. 02-2955.

In the Office Action dated June 27, 2006, the Examiner imposed a restriction requirement in the instant application with respect to the following groups:

- I. Claims 1-14, drawn to an expression vector and host cell containing it;
- II. Claims 15-22, drawn to a process for producing a protein; and
- III. Claims 23-26 drawn to a method of selecting high-producing cell.

In response to that restriction requirement, applicants hereby elect group III, (claims 23-26) drawn to a method of selecting high-producing cell. Applicants reserve the right to prosecute in one or more divisional applications whatever subject matter is not examined or allowed here.

Application No. 10/724,266
Response dated July 25, 2006
Reply to Office action of June 27, 2006

It is respectfully submitted that the subject application is in condition for allowance and such favorable action at an early date is earnestly solicited. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

Respectfully submitted,

/Paula K. Wittmayer/

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